

ROUTING AND RECORD SHEET

SUBJECT: (Optional)				
FROM: Max Hugel Deputy Director for Administration 7D18 Headquarters			EXTENSION	NO.
				DATE 30 MAR 1981
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	<p>COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)</p> <p>Attached for Mr. Casey's signature is a proposed reply to a letter from Professor Arthur L. Funk of the University of Florida. The letter concerns public access restrictions on the OSS records that CIA transferred to the National Archives last year.</p> <p>Also attached are Professor Funk's letter and a background brief on the Agency's process for reviewing and transferring OSS records.</p> <p><i>signed</i> Max Hugel</p>
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The Director
Central Intelligence Agency

Washington, D. C. 20505

OIS Registry
81-289/1

DD/A Registry
81-0624/1

Executive Registry
81-6888/1

Professor Arthur L. Funk
Department of History
University of Florida
Gainesville, Florida 32611

Dear Professor Funk:

I appreciated receiving your letter of March 17, 1981, and the copy of your article entitled "Churchill, Eisenhower, and the French Resistance." Although much has been written since OSS days, I am sure that interesting articles such as yours will continue to appear for many years to come.

With respect to your concern regarding access to the 198 cubic feet of OSS records transferred to the National Archives and Records Service (NARS) by CIA in 1980, I am sure you will appreciate that the unique nature of service with OSS weighs heavily when considering the issue of public access to information involving OSS personnel. For many persons affiliated with OSS, such public disclosure would cause no problem; indeed, they would be proud to have their accomplishments known. However, for other former OSS personnel, particularly those still employed in intelligence or living or working overseas, revelation of their OSS affiliation could adversely affect their lives or those of their family and associates.

It was for these reasons that CIA imposed certain restrictions on public access to the records when they were transferred to NARS. These restrictions provided (a) that foreign government information would not be released without the prior approval of the government concerned, and (b) that in keeping with their right to privacy, information concerning the affiliation of U.S. persons with OSS would not be released without the consent of the person involved.

NARS has examined the OSS records we sent to them and has told us informally that in view of the restrictions there is no practical way they can service public requests for the information. Because of this we have told NARS that we are prepared to take the records back until such time as they can be released without restriction.

We will continue to service requests for OSS information as we have done for many years. Responses to such requests do of course omit certain information which is still classified for reasons of national security or must be withheld in accordance with statutory requirements and privacy considerations. You are welcome to send us a request if there are specific subjects of interest to you.

Sincerely,

William J. Casey

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DDA/OIS/RMD/RSB [] (with [] DDO/IMS):br (26 Mar 81)
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Rewritten: DIS: [] ydc (27 Mar 81)

Distribution:

Original - Addressee

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- 1 - RSB Chrono

Background

DCI Reply to Letter Concerning Restrictions on OSS Records

The CIA declassification review of OSS records began in December 1972 when two retired Agency officers were engaged under contract to review OSS material that had been accessioned by the National Archives from the Department of State. This material originated in the element of OSS that had been transferred to the Department when OSS was abolished. The two officers completed this review in 1974 and then began a systematic review of the OSS records in CIA's custody. The review team subsequently was enlarged to a total of 15 retired officers. In 1978 the review of OSS material was incorporated into the Agency program for reviewing all SSU, CIG, and CIA records. This program carries out the provisions of Executive Order 12065 requiring the systematic review for declassification of all permanent, classified records over 20 years old.

The initial Agency transfer of OSS records to the National Archives and Records Service (NARS) was completed in January 1980. It consisted of 198 cubic feet of material declassified by the Agency. As part of this transfer, the Agency specified two "specific restrictions" to be imposed by NARS on the release of OSS information to the public:

- a. "Foreign Government Information must be afforded protection and will not be released without the prior approval of the government involved."
- b. "In keeping with the provisions of the Privacy Act information concerning the affiliation of U.S. persons with OSS may not be released without the consent of the person involved."

These restrictions were accepted in writing by NARS when the OSS records were accessioned into the National Archives.

Since the January 1980 transfer, various NARS officials have voiced concern that NARS, in order to make full use of the OSS records, would have to clear sensitive information relating to employment and personal activities with the U.S. person concerned before release to the public. Because of the burden of checking with each person, it would be impractical for NARS to use many of the records.

The question of restrictions has been under informal discussion with NARS for several months. One alternative we discussed was to close the accessioned records until a specified year after which all would be open to the public. The year 2020 (75 year restriction counted from 1945) was mentioned as a possible date, and we offered to store and service the records during any such period if NARS would prefer that we do so.

In these discussions we have been unable to arrive at an alternative restriction that is mutually acceptable to CIA and NARS. In February 1981 we heard informally that NARS would be sending CIA a letter suggesting that, everything considered, it would be best if NARS returned the OSS records to the Agency. More recently we have heard that this letter (to be signed by the Archivist of the United States, Robert M. Warner) may instead include a formal plea to ease the restrictions. In either case, we have decided that the matter can best be handled at this point by transferring the OSS records back into CIA custody. Following this transfer, we will continue to process requests for OSS information as we have done over the years.